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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,090	11/16/2001	Stephen P. Vossler	P1758US00	4805

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GATEWAY, INC.
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EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT PAPER NUMBER

2152

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/991,090	VOSSLER, STEPHEN P.	
	Examiner	Art Unit	
	Victor Lesniewski	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9,11,13,15-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9,11,13,15-22 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 10/27/2005 has been placed of record in the file.
2. Claims 1, 7, 9, 11, 13, 15-17, 21, and 24 have been amended.
3. Claims 2, 8, 10, 12, 14, and 23 have been canceled.
4. Claims 1, 3-7, 9, 11, 13, 15-22, and 24 are now pending.
5. The applicant's arguments with respect to claims 1, 3-7, 9, 11, 13, 15-22, and 24 have been considered but are moot in view of the following new grounds of rejection.

Continued Examination Under 37 CFR 1.114

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The applicant's submission filed on 11/22/2005 has been entered.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 24 recites “a first one of the at least one user” and “another one of the at least one user”. From the claim it cannot be ascertained how there could be a first user and another user when there exists only one user, thus making the scope of the claim unclear.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 3-7, 9, 11, 13, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang (U.S. Patent Number 6,898,432).

12. Concerning claims 1, 7, 9, 11, and 13, Jiang did not explicitly state executing an additional information transfer completed within the remaining time period. However, Jiang's system tracks the time period during which communications can be made as well as the time it takes to transfer a first content. Thus, the system clearly maintains the remaining time period, simply the difference. In addition, Jiang's system utilizes a unified content access layer that optimizes content transfer. It would have been clear to one of ordinary skill in the art that additional content should be transferred in the remaining time if possible as this would clearly optimize the content transfer overall. Thus, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Jiang by adding the ability to execute an additional information transfer completed within the remaining time period.

Art Unit: 2152

13. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a method are rejected under the same rationale applied to the described claim.

14. Thereby, Jiang discloses:

- <Claims 1 and 11>

An apparatus, comprising: means for establishing communications between a first network and a second network in proximity to the first network (column 5, lines 19-35 and column 10, lines 50-66); means for predicting a time period during which communications between the first network and the second network can be made (column 10, lines 25-34); means for transferring information between the first network and the second network so that said transferring means completes the information transfer within the time period (column 11, lines 8-45); and means for determining whether a remaining time period exists subsequent to said transferring means completing the information transfer within the time period so that said transferring means is capable of executing an additional information transfer completed within the remaining time period (column 9, line 51 through column 10, line 3 and obviousness as discussed above).

- <Claim 3>

An apparatus as claimed in claim 1, the first network comprising at least one of the following structures: a home network, a local area network, a wide area network, a vehicle area network, a personal area network, a fabric area network and a world wide network (column 5, lines 19-35).

- <Claim 4>

An apparatus as claimed in claim 1, the second network comprising at least one of the following structures: a home area network a local area network a wide area network, a vehicle area network, a personal area network, a fabric area network, and a world wide network (column 10, lines 50-66).

- <Claim 5>

An apparatus as claimed in claim 1, said predicting means predicting the time period based on at least one of the following: file size, data rate, user preference, and file priority (column 9, lines 1-17).

- <Claim 6>

An apparatus as claimed in claim 1, in the event at least one of the first network and the second network is a vehicle area network, said predicting means predicting the time period based on at least one of the following: file size, data rate, user preference, file priority, vehicle status, engine status, passenger status, door status, trunk status, hood status, fuel cap status, and garage door status (column 9, lines 1-17).

- <Claim 7>

An apparatus, comprising: a local area network having at least one device communicatively coupled on said local area network (column 10, lines 50-66); means for establishing communications with a vehicle area network having at least one device communicatively coupled n the vehicle area network (column 5, lines 19-35); means for predicting a time period during which communications between said local area network and the vehicle area network can be made (column 10, lines 25-34); means for

Art Unit: 2152

transferring information between said local area network and the vehicle area network so that said transferring means completes the information transfer within the time period (column 11, lines 8-45); and means for determining whether a remaining time period exists subsequent to said transferring means completing the information transfer within the time period so that said transferring means is capable of executing an additional information transfer completed within the remaining time period (column 9, line 51 through column 10, line 3 and obviousness as discussed above).

- <Claim 9>

An apparatus, comprising: a vehicle area network having at least one or more devices communicatively coupled on said vehicle area network (column 5, lines 19-35); means for establishing communications with a local area network having at least one or more devices communicatively coupled on the local area network (column 10, lines 50-66); means for predicting a time period during which communications between said vehicle area network and the local area network can be made (column 10, lines 25-34); means for transferring information between said vehicle area network and the local area network so that said transferring means completes the information transfer within the time period (column 11, lines 8-45); and means for determining whether a remaining time period exists subsequent to said transferring means completing the information transfer within the time period so that said transferring means is capable of executing an additional information transfer completed within the remaining time period (column 9, line 51 through column 10, line 3 and obviousness as discussed above).

- <Claim 13>

A method, comprising: establishing communications between a local area network and a vehicle area network when the vehicle area network enters a communication range of the local area network (column 5, lines 19-35; column 10, lines 50-66; and column 11, lines 32-40); determining a status of the vehicle and communicating the status of the vehicle to the local area network (column 8, lines 30-50); predicting a time period during which the vehicle area network will remain within communication range of the local area network so that communications may occur, said predicting step being based at least in part on the vehicle status determined in said determining step (column 10, lines 25-34); selecting an appropriate file capable of being transferred within the time period predicted in said predicting step (column 11, lines 13-18); transferring the file between the local area network and the vehicle area network during the time period (column 11, lines 8-45); and additionally determining whether a remaining time period exists subsequent to execution of said transferring step within the time period, and if a remaining time period exists, additionally executing said transferring step for an additional file capable of being transferred within the remaining time period (column 9, line 51 through column 10, line 3 and obviousness as discussed above).

- <Claim 17>

A method as claimed in claim 13, wherein said selecting step is based at least in part on at least one of the following: file importance, file size, and file priority (column 9, lines 1-17).

- <Claim 18>

A method as claimed in claim 13, the local area network comprising at least one of the following structures: a home network, a wide area network, a vehicle area network, a personal area network, a fabric area network, and a world wide network (column 10, line 50 through column 11, line 7).

- <Claim 19>

A method as claimed in claim 13, the vehicle area network comprising at least one of the following structures: a home network, a wide area network, a personal area network, a fabric area network, and a world wide network (column 5, lines 19-35).

- <Claim 20>

A method as claimed in claim 13, the local area network comprising at least one of the following structures: a gas station, a truck stop, a residence, a business establishment, a restaurant, a rest area, a tourist stop, a rental car facility, a warehouse, a theater, a service station, a parking lot, a parking garage, an event stadium, and a shopping mall (column 10, lines 50-66).

Since Jiang discloses all of the above limitations, claims 1, 3-7, 9, 11, 13, and 17-20 are rejected.

15. Claims 15, 16, 21, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang, as applied above, in view of Hall et al. (U.S. Patent Number 6,742,037), hereinafter referred to as Hall.

16. Jiang disclosed a communication planning system that enables communication between mobile devices in a vehicle area network and base stations in a local area network when the

Art Unit: 2152

mobile device is present in the station's coverage area. In an analogous art, Hall disclosed a system for dynamic information transfer between mobile targets in a vehicle area network and fixed targets in other networks based on a tracking of relative movement.

17. Concerning claims 15 and 16, Jiang did not explicitly state determining the vehicle status or predicting the time period based on one of: engine status, passenger status, door status, trunk status, hood status, fuel cap status, and garage door status. However, Hall's system sets forth a wider array of places active as the fixed network, such as a user's home. Thus, Hall tracks a large number of additional properties concerning the user and the user's destination, such as the status of lights in the home or a garage door status. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Jiang by adding the ability to determine the vehicle status or predict the time period based on one of: engine status, passenger status, door status, trunk status, hood status, fuel cap status, and garage door status as provided by Hall. Here the combination satisfies the need for a system that coordinates information pertaining to time, distance, and motion in order to maximize a user's schedule while the user is in transit. See Hall, column 1, lines 25-36.

18. Concerning claim 21, Jiang did not explicitly state determining means and transferring means based on a user's personal profile. However, Hall's system utilizes a user's personal profile to enhance the features of this type of communication system. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Jiang by adding the ability to utilize a determining means and a transferring means based on a user's personal profile as provided by Hall. Here the combination satisfies the need for a system that coordinates information pertaining to time, distance, and motion in order to

Art Unit: 2152

maximize a user's schedule while the user is in transit. See Hall, column 1, lines 25-36. This rationale also applies to those dependent claims utilizing the same combination.

19. Thereby, the combination of Jiang and Hall discloses:

- <Claim 15>

A method as claimed in claim 13, said vehicle status determining step including obtaining at least one of the following: engine status, passenger status, door status, trunk status, hood status, fuel cap status, and garage door status (Hall, column 7, lines 61-67).

- <Claim 16>

A method as claimed in claim 13, said time period predicting step being based on at least one of the following: engine status, passenger status, door status, trunk status, hood status, fuel cap status, and garage door status (Hall, column 7, lines 61-67).

- <Claim 21>

An apparatus, comprising: means for establishing communications between a first network and a second network in proximity to the first network (Jiang, column 5, lines 19-35 and column 10, lines 50-66); means for determining an amount of data to be transferred between the first network and the second network, the amount being based at least in part on a personal profile of at least one user of at least one of the first network and the second network (Jiang, column 11, lines 13-18 and Hall, column 5, lines 48-54); and means for transferring information between the first network and the second network based at least in part on the personal profile of at the least one user, said means for transferring the information based at least in part on a priority determined by said

Art Unit: 2152

determining means from the personal profile of the at least one user (Jiang, column 11, lines 8-45 and Hall, column 5, lines 48-54 and column 10, lines 2-6).

- <Claim 22>

An apparatus as claimed in claim 21, the personal profile of the at least one or more users including a schedule of the at least one users (Hall, column 8, lines 3-5).

- <Claim 24>

An apparatus as claimed in claim 21, said means for transferring information transferring information based at least in part on a priority of a first one of the at least one user relative to another one of the at least one user determined by said determining means from the personal profiles of the first one and the another one of the at least one user (Hall, column 10, lines 2-6).

Since the combination of Jiang and Hall discloses all of the above limitations, claims 15, 16, 21, 22, and 24 are rejected.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

- Sant et al. (U.S. Patent Number 6,169,896) disclosed a system for comparing a service quality of a plurality of wireless network services that utilizes a series of messages between a vehicle and a fixed location.

Art Unit: 2152

- Ooishi (U.S. Patent Number 6,643,581) disclosed a vehicle navigation system that transmits real-time information to a vehicle allowing the user to make an instant judgment of a next action.
- Diaz et al. (U.S. Patent Application Publication Number 2002/0032507) disclosed a communication system architecture for a vehicle that allows communications for providing information for and about the vehicle's operational status and coordinating the vehicle's activities.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

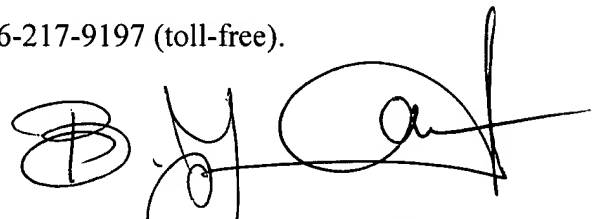
The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
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